

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Humberto Alfons SIXTOS-Calvillo,
Aka: Humberto Alfonso SIXTOS-Calvillo

Defendant

Magistrate Docket No.

'08 MJ 1724


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 1, 2008** within the Southern District of California, defendant, **Humberto Alfons SIXTOS-Calvillo** aka: Humberto Alfonso SIXTOS-Calvillo, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF JUNE, 2008



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Humberto Alfons SIXTOS-Calvillo

PROBABLE CAUSE STATEMENT

On June 1, 2008, at approximately 7:40 p.m., Border Patrol Agent J. Gloyer, was assigned to Police Transport Duties with Senior Patrol Agent G. Rivera, when they were contacted by Border Patrol Dispatch that officers Lefer and Clift of the San Diego Police Department were requesting Border Patrol for an immigration evaluation.

The Agents met the officers at approximately 8:00 p.m. at the intersection of Imperial Avenue and 55th Street in San Diego, CA. This area is located approximately four miles west of the Otay Mesa, California, Port of Entry, and 12.5 miles north of the United States/Mexico international border. Agents arrived on scene and were briefed by officers Lefer and Clift that they had detained a suspect later identified as defendant **Humberto Alfons SIXTOS-Calvillo** aka: Humberto Alfonso SIXTOS-Calvillo, for suspected of stealing a vehicle. Due to the fact that the individual did not speak English, officers determined it was necessary to call Border Patrol for an immigration evaluation / translation. Agent Rivera then questioned the defendant of what country he was a citizen or national of, and he replied "Mexico." Agent Rivera then asked the defendant if he had any immigration documents that would allow him to enter or remain in the United States legally, and he replied "No." The defendant was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 12, 2007** through **San Ysidro, CA**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.